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Press Release

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**DOCUMENTS AND SWORN TESTIMONY OF PROPERTY OWNER
PROVE ROCCO ABESSINIO DECIDED TO CLOSE THE HUNTINGTON OFFICE OF APPLIED CARD SYSTEMS
IN OCTOBER OF 2003, LONG BEFORE
ABESSINIO LEARNED ABOUT ATTORNEY GENERAL MCGRAW'S OFFICE'S
INVESTIGATION INTO THE COMPANY'S BUSINESS PRACTICES**

Attorney General Darrell McGraw's Consumer Protection Division has long suspected that Rocco Abessinio, owner of Cross Country Bank and Applied Card Systems, decided to close his Huntington office long ago and that his decision had nothing to do with McGraw's current law enforcement action. Although Mr. Abessinio has represented to the news media and his employees that he decided to close the Huntington office after McGraw's office sued Applied Card Systems, documents and a sworn statement obtained by McGraw prove that Rocco Abessinio told the property owner on October 22, 2003 that he had no intention of renewing his lease or purchasing the Huntington building, and that he intended to relocate his operation to other states.

On September 10, 2004, Mr. Abessinio published full page ads in the Charleston Gazette and other area newspapers announcing that he had decided to downsize and close the Huntington office of Applied Card Systems by July 31, 2005 and that the decision was prompted by the Attorney General's refusal to accept his settlement offer. However, Abessinio's statements are contradicted by the sworn statement of Charles A. Lucido of Geneva, New York, a lawyer and CPA who has represented the owner of the Huntington property since 1980.

In a sworn statement given to the Attorney General's office on October 19, 2004, Mr. Lucido confirmed that he sent a letter to Rocco A. Abessinio dated October 9, 2003, advising him, "Unless Applied Card Systems notifies the owners that it wishes to remain in the building, either by purchasing it, or pursuant to a new long-term lease, the owners will commence their efforts to sell or lease the building, utilizing the efforts of a national real estate brokerage firm." The letter also advised that unless Rocco Abessinio of Applied Card Systems notified Lucido of his intentions within thirty (30) days, "we shall assume that Applied Card will be moving."

In the transcript released by the Attorney General's office today, excerpted below, Mr. Lucido confirmed that Mr. Abessinio advised him by telephone on October 22, 2003 that he did not intend to lease or purchase the building and that he planned to move the companies' operations to other states:

Q And, Mr. Lucido, did you receive a response to the letter from Mr. Abessinio?

A [Mr. Lucido] I did not receive a written response, but on October 22nd, I had a message B a voice mail message from, indicating that he wished to speak to me about my letter.

Q And did you ultimately speak to him by telephone about your letter?

A [Mr. Lucido] Yes, I spoke to him that afternoon, and the gist of his phone call was that Applied Card would not be

interested in buying the building or in extending their lease term beyond August 5th, 2005.

* * *

Q How are you able to remember that that phone call with Mr. Abessinio occurred on October 22nd of 2003?

A [Mr. Lucido] It is my practice to maintain a business diary. I do this to enable me to recall conversations which I relate to my clients, in this case, the owners of the property, so that I can give them a fair recitation of the important aspects of the conversation, and in this case, I made notes of my conversation with Mr. Abessinio.

* * *

Q And, Mr. Lucido, after you had that telephone conversation on October 22, 2003, and he indicated to you that he did not intend to lease or buy the building, did you view that as his definitive answer to your letter that they did not intend to lease or purchase the building that they currently occupy in Huntington, West Virginia?

A [Mr. Lucido] Oh, absolutely. I did not think it was a negotiating tactic. I felt, based on my previous dealings with the company, that if they did intend to remain, he would have entered into some form of negotiation, but that was not the case.

The Attorney General's office released transcripts of Mr. Lucido's testimony, as well as copies of his letter to Mr. Abessinio and his notes from the October 22, 2003 telephone call, to the media. A detailed statement of facts and list of alleged illegal practices by Mr. Abessinio's companies was posted on the Attorney General's office website on October 8, 2004.

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